

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Carlos GONZALEZ-Aragon,

Defendant

Magistrate Docket No. 08-108-5

08 MJ 0674

CLERY, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:


DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 03, 2008** within the Southern District of California, defendant, **Luis Carlos GONZALEZ-Aragon**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5TH** DAY OF **MARCH 2008**



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Luis Carlos GONZALEZ-Aragon****A#76 504 498****PR#0803 0078****PROBABLE CAUSE STATEMENT**

On March 3, 2008, Senior Border Patrol Agent K. Headlee was assigned to linewatch duties in the vicinity of Tecate, California. At approximately 6:45 p.m., Agent Headlee observed and responded to a group of possible illegal aliens between the areas known as "Doc's house and Red Road". This area is approximately .25 miles west and .25 miles north of the Tecate, California Port of Entry.

Agent Headlee approached the group as they were attempting to conceal themselves in some thick brush and identified himself as a United States Border Patrol Agent in both the English and Spanish language. Agent Headlee questioned all the subjects including one later identified as the defendant **Luis Carlos GONZALEZ-Aragon** as to their immigration status and if they were in possession of any immigration documents that would allow them to legally enter into or remain in the United States, all the subjects stated that they were from Mexico and did not possess the necessary immigration documents. At approximately 7:00 p.m. all the individuals were placed under arrest and transported to the Brown Field Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 13, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States Legally.